



October 2, 2018

Via Regular Mail and FOIAOnline

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, D.C. 20460
(202) 566-1667

Re: Request for Documents Under the Freedom of Information Act, 5 U.S.C. § 552

Dear Sir/Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, the undersigned respectfully requests the prompt release of the information specified below related to the City of Oakland's ("City") and Board of Port Commissioners and Port of Oakland's ("Port") authorizations of expanded freight infrastructure, maritime, shipping, and transport activities at the Port of Oakland and the former Oakland Army Base ("OAB") in Oakland, California.

1. EPA's file of documents on the City and Port's authorizations of expanded freight infrastructure, maritime, shipping and transport activities at the Port of Oakland and the former OAB in Oakland, CA.
2. All documents related to whether the City and Port's authorizations of expanded freight infrastructure, maritime, shipping and transport activities at the Port of Oakland and the former OAB, create an unjustified disproportionate impact on the basis of race to racial minorities and/or other environmental justice communities within West Oakland, CA.
3. All documents analyzing any human health and environmental impacts stemming from the City and Port's authorizations of expanded freight infrastructure, maritime, shipping, and transport activities at the Port of Oakland and the former OAB.
4. All documents related to EPA's preliminary review of the Complaint filed by Earthjustice on behalf of West Oakland Environmental Indicators Project against the City (EPA File No. 13R-17-R9) and Port (EPA File No. 14R-17-R9) pursuant to 49 C.F.R. § 21.11(c) ("Complaint").
5. EPA's file of documents related to its investigation of the Complaint, including documents related to:



- a. Whether the City's and Port's October 4, 2016 approval and/or involvement in approval of a construction management plan and permission for ground-breaking on the Northeast Gateway development project site of the Oakland Army Base subjects the residents of color of West Oakland (predominantly black, Latino, and Asian) to discrimination on the basis of race, color or national origin in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations at 40 C.F.R. Part 7.
- b. Whether the City's and Port's methods, including their public participation process, for approving and authorizing new development and expanded activities at the Port of Oakland and Oakland Army Base subject the residents of color of West Oakland (predominantly black, Latino, and Asian) to discrimination on the basis of race, color or national origin in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations at 40 C.F.R. Part 7.

Such documents should include, but are not limited to, documents stored and maintained on EPA's External Compliance Tracking System (EXCATS).

6. All documents submitted by the City and Port responding to, rebutting, or denying the issues EPA accepted for investigation pursuant to its July 18, 2017 Notification of Acceptance for Investigation of Administrative Complaint. *See, e.g.*, 40 C.F.R. § 7.120(d)(1)(ii-iii).
7. All documents exchanged between EPA and Complainant related to the City and Port's authorizations of expanded freight infrastructure, maritime, shipping and transport activities at the Port of Oakland and the former OAB.
8. All documents exchanged between EPA and the City and Port related to the City and Port's authorizations of expanded freight infrastructure, maritime, shipping and transport activities at the Port of Oakland and the former OAB.
9. All documents related to any agreements to resolve the Complaint informally through alternative dispute resolution ("ADR"). *See, e.g.*, 40 C.F.R. § 7.120(d)(2).
10. All documents related to the resolution of the Complaint, if any.

Referral to Appropriate Agency: To the extent that the requested information is with another EPA office or subcomponent, we request that those offices additionally be searched for the requested information.

Records Claimed as Exempt: Should the EPA respond by invoking a FOIA exemption with respect to any of the records requested herein, please include in your response: (1) basic factual material about the withheld item, including author/originator, date created/revised, length,



general subject matter, and location; and (2) explanation(s) and justification(s) for withholding of the record, including identification of the claimed exemption and a full explanation of the applicability of the claimed exemption to the requested record. Where only a portion of a record is exempt from disclosure, please redact the exempt portion, provide the information requested above regarding the exempt material, and provide the remainder of the record. If you deny any part of this request, please cite each specific reason that you think justifies your refusal to release the information. Please notify the undersigned of appeal procedures available under the law.

Record Delivery: We would appreciate receiving the above information as soon as possible, but no later than 20 working days from the receipt of this request as required by the statute. 5 U.S.C. § 552(a)(6)(A). If the agency determines that it cannot satisfy this FOIA request within the required 20 working days, please set forth in detail what “unusual circumstances” exist for the delay, and please specify the earliest practicable date for responding to this FOIA request. 5 U.S.C. § 552(a)(6)(B). We ask that you please produce the requested documents as soon as practicable and, if necessary, in a piecemeal fashion. The contact information for this request is, as follows:

Laura Solancho
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Fees: This request is being made on behalf of a commercial requester. We do not wish to inspect the documents first. We agree to pay reasonable search and reproduction costs up to \$3,000.00, relating to the release of this information. If it appears that the breadth of responsive documents will approach or exceed the \$3,000.00 limit on reproduction expenses, please contact the undersigned to discuss additional narrowing factors.

If you have any questions or require any additional information regarding this request, please contact us by phone or email. Thank you for your prompt assistance in this matter.

Very truly yours,

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